



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

February 25, 2014

Ms. Andrea Pierce
Diamond Parking, Inc.
715 W. 2nd Avenue
Spokane, WA 99201

Re: Administrative Order No. 10497 to permanently fill/impact 0.91 acres of isolated wetlands to the Diamond Park n' Jet facility in Spokane County, Washington

Dear Ms. Pierce:

The Department of Ecology (Ecology) received your Joint Aquatic Resources Permit Application on February 19, 2014 requesting an Administrative Order for proposed work in isolated wetlands. Ecology has determined that the proposed work, as conditioned by the enclosed Order, will comply with applicable provisions of Chapter 90.48 RCW and other applicable requirements of state law.

This approval is subject to the conditions contained in the enclosed Order. If you have any questions, please contact David Moore, Wetland Specialist at (509) 329-3474. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Sara Hunt
Section Manager
Shorelands and Environmental Assistance Program
Eastern Regional Office

Enclosure

cc: Project Manager, U.S. Army Corps of Engineers
David Moore, Department of Ecology
John Pederson, Spokane County

e-cc: ECY RE FED PERMITS

CERTIFIED MAIL: 7012 3460 0002 8017 9079

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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|-----------------------------------|---|---------------------------|
| IN THE MATTER OF THE REQUEST BY |) | Corps Ref # NWS-2010-1381 |
| DIAMOND PARKING, INC. |) | |
| FOR AN ADMINISTRATIVE ORDER TO |) | ORDER # 10497 |
| CONDUCT WORK IN ISOLATED WETLANDS |) | |

TO: Diamond Parking, Inc.
Andrea Pierce
715 W. 2nd Avenue
Spokane, WA 99201

This is an Administrative Order requiring Diamond Parking, Inc. to comply with Chapter 90.48 RCW and the rules and regulations of the Department of Ecology (Ecology) by taking certain actions which are described below. RCW 90.48.120(1) authorizes Ecology to issue Administrative Orders requiring compliance whenever it determines that a person has violated or creates a substantial potential to violate any provision of Chapter 90.48 RCW.

Ecology received the Diamond Parking, Inc. Joint Aquatic Resources Permit Application (JARPA) on February 19, 2014 requesting an Administrative Order to impact 39,724 SQ FT / 0.91 ACRES of isolated wetlands to construct an expanded parking at the Diamond Park n' Jet facility in Spokane County. The site is located at 5602 W. Sunset Highway, Spokane, WA 99224 at the SW ¼ of Section 22, Township 25 N., Range 42 E in Spokane County, WRIA 56.

This Administrative Order authorizes 0.91 acres of Category 3 isolated wetland impacts at the project location. Onsite Mitigation for this proposal will consist of 43,513 SQ FT of Wetland Creation, 159,830 SQ FT of Wetland Enhancement and 7,660 SQ FT of Wetland Buffer Enhancement for a total area of mitigation of 4.84 ACRES /211,003 SQ FT and all other actions as proposed in the *Wetland Mitigation Plan for the Diamond Park N' Jet Property*, prepared by Biology Soil & Water, Inc. dated January 25, 2014 in the approximate location of the Diamond Park n' Jet facility at the location described above.

For purposes of this Order, the term "Applicant" shall mean Diamond Parking, Inc. and its agents, assigns, and contractors.

In view of the foregoing and in accordance with RCW 90.48.120(1):

IT IS ORDERED that the Applicant shall comply with the following:

A. General Conditions:

1. The Applicant shall construct and operate the project in a manner consistent with the project description contained in the JARPA received by Ecology on February 19, 2014 or as otherwise approved by Ecology.

2. For purposes of this Order, all submittals required by its conditions shall be sent to Ecology's Eastern Regional Office, Attn: David Moore/Wetland Specialist, SEA Program, Department of Ecology, 4601 N. Monroe St., Spokane, WA 99205. Any submittals shall reference Order No. **10497** and Corps No. **NWS-2010-1381**
3. The Applicant shall provide access to the project site and mitigation site upon request by Ecology.
4. Copies of this Order shall be kept on the job site and readily available for reference by Ecology personnel, the construction superintendent, construction managers and foremen, and state and local government inspectors.
5. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines further actions are necessary to implement the water quality laws of the state. Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified (e.g., violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect the public interest.
6. The Applicant shall ensure that all appropriate project engineers and contractors at the project site have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order. The Applicant shall provide Ecology a signed statement (see Attachment A for an example) from each project engineer and contractor that they have read and understand the conditions of this Order and the above-referenced permits, plans, documents and approvals. These statements shall be provided to Ecology before construction begins at the project.

B. Notification Requirements:

1. The Applicant shall provide written notification (FAX, e-mail or mail) to Ecology's Southwest Regional Office [David Moore], in accordance with condition A.2 above for the following activities:
 - a. At least ten (10) days prior to a pre-construction meeting
 - b. At least ten (10) days prior to the onset of any work on site
 - c. At least ten (10) days prior to the onset of in-water work, including wetlands
 - d. At least ten (10) days prior to the onset of work at the wetland mitigation site
 - e. Immediately following a violation of the state water quality standards or any condition of this Order
 - f. Within fourteen (14) days after completion of construction.

C. Wetland Compensatory Mitigation Conditions:

1. The Applicant shall mitigate wetland impacts as described in the plan entitled *Wetland Mitigation Plan for the Diamond Park N' Jet Property*, prepared by Biology Soil & Water, Inc. dated January 25, 2014 except as modified in this Order or revised and approved by Ecology.
2. The Applicant shall submit any changes to the mitigation plan in writing to Ecology (per condition A.2. above) for review and approval before work begins or when problems occur during construction requiring plan changes.

3. To ensure proper installation, the Applicant's wetland professional must supervise and inspect all mitigation site construction and planting.

Implementation

4. The Applicant shall begin the compensatory mitigation project before or concurrent with impacting wetlands. Ecology may require additional compensation to account for additional temporal loss if the mitigation is not completed in a timely manner.
5. The Applicant shall ensure that all excess excavated site material is disposed of in an appropriate location outside of wetlands and their buffers and above the 100-year floodplain.
6. If seeding is used as a temporary erosion control BMP, it must be a wetland mix consisting of native, annual, non-invasive plant species.
7. The Applicant shall place signs at the extent of the mitigation area's boundaries, including buffers, which mark the area as wetland mitigation.
8. Upon completion of site-grading and prior to planting, the Applicant shall submit to Ecology written confirmation that the finished grades are consistent with the approved mitigation plan or subsequent Ecology-approved plan changes. Written confirmation can be a signed letter from the surveyor or project engineer indicating how final elevations were confirmed and whether they are consistent with the plan.
9. Within ninety (90) days of completing site construction and planting, the Applicant shall submit a final as-built report with maps to Ecology. The As-Built report must:
 - a. Document site conditions at Year Zero;
 - b. Be submitted to Ecology per Condition A.2. of this Order as one hard copy and one electronic file;
 - c. Include the information listed in Attachment B;
 - d. Include documentation of a Recorded Wetlands Notice.
10. If the mitigation project is not completed within 13 months of this Order's date, the Applicant shall submit a written construction status report and submit status reports every 12 months until construction and planting are complete and the final as-built report is submitted.
11. Within ninety (90) days of completing construction and planting, the Applicant shall record a Wetlands Notice (see Attachment C), a copy of Ecology's Order, and the as-built report. These documents must be recorded with the County Recording Office, Registrar of Deeds, or other official responsible for maintaining records for, or interest in, real property.

Monitoring and Maintenance:

12. The Applicant shall water and maintain all plantings at the mitigation site to meet the mitigation plan's performance standards.
13. The Applicant shall monitor the mitigation site for a minimum of ten (10) years as described in the mitigation plan. Additional monitoring of the mitigation area may be required by Ecology if wetland monitoring reveals that performance measures are not being met.

14. The Applicant shall submit monitoring reports (one hard copy file and one electronic file per Condition A.2. of this Order) to Ecology documenting site conditions at the mitigation site for the years listed in the mitigation plan, and the reports must contain, at a minimum, the information listed in Attachment D. Attachment D does not reference correct condition number.
15. The Applicant shall implement the mitigation plan's contingency measures if goals, objectives, and performance standards are not being met.
16. Prior to implementing any unidentified contingency measures, the Applicant shall consult with Ecology.
17. When necessary to meet the performance standards, the Applicant shall replace dead or dying plants with the same species, or a native plant alternative appropriate for the location, during the first available planting season and note the species, numbers, and approximate locations of all replanted materials in the subsequent monitoring report.
18. The property owner shall grant Ecology access to the mitigation area for inspection during the 10 year monitoring period or until mitigation success has been achieved.

Failure to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.
- Serve a copy of your appeal and this Order on Spokane County in paper form – by mail or in person. (See address below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

| Street Addresses | Mailing Addresses |
|--|---|
| Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503 | Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608 |
| Pollution Control Hearings Board 1111 Israel RD SW STE 301 Tumwater, WA 98501 | Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903 |
| Spokane County Building and Planning 1026 W. Broadway Spokane, WA 99260 | Spokane County Building and Planning 1026 W. Broadway Spokane, WA 99260 |

DATED February 25, 2014 at Spokane, Washington.

Sara Hunt, Section Manager
Shorelands & Environmental Assistance Program
Eastern Regional Office – Department of Ecology
State of Washington

